

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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LINCOLN LAMAR CALDWELL,

Case No. 17-CV-1971 (SRN/TNL)

Petitioner,

v.

**ORDER**

EDDIE MILES, Warden, Stillwater  
Correctional Facility, Minnesota,

Respondent.

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This matter is before the Court on two motions filed by Petitioner Lincoln Lamar Caldwell.

First, Caldwell requests that the Court issue a Certificate of Appealability (“COA”) allowing him to appeal this Court’s Order denying his petition for habeas corpus relief. *See* Doc. No. 23; 28 U.S.C. § 2253(c). However, the Court has already declined to issue a COA in this matter, *see* Doc. No. 19 at 28, and nothing in Caldwell’s most recent motion convinces the Court that its decision not to issue a COA was erroneous. Accordingly, Caldwell’s motion for a COA will be denied.

Second, Caldwell has filed an application for *in forma pauperis* (“IFP”) status on appeal. *See* ECF No. 22. The Court has reviewed the financial information submitted by Caldwell and concludes that he qualifies financially for IFP status. Moreover, Caldwell’s appeal is not frivolous as the Supreme Court has defined that term; although the Court has declined to issue a COA, “[t]he standard for granting an application for leave to

proceed *in forma pauperis* . . . is a lower standard than the standard for certificates of appealability.” *Moore v. Haas*, Civil No. 2:13-CV-12225, 2013 WL 5819593, at \*6 (E.D. Mich. Oct. 29, 2013); accord *United States v. Youngblood*, 116 F.3d 1113, 1115 (5th Cir. 1997). Accordingly, the Court finds that Caldwell’s appeal is taken in good faith, and his IFP application will be granted.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT:

1. The motion of petitioner Lincoln Lamar Caldwell for a Certificate of Appealability [Doc. No. 23] is DENIED.
2. Caldwell’s application to proceed *in forma pauperis* on appeal [Doc. No. 22] is GRANTED.

Dated: March 11, 2019

s/Susan Richard Nelson  
SUSAN RICHARD NELSON  
United States District Judge